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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Part 95 of the Rules) WT Docket No. 95-47
to allow IVDS licensees to provide)
mobile service) RM-8476

To the Honorable, the Chairman and Members of said Commission:

COMMENTS OF TRIAD TV DATA

Comes now TRIAD TV DATA (G.M. Kenkel, et al., an IVDS partnership d/b/a, herein sometimes "Triad"), to file these comments in the above-styled proceeding, in response to the Notice of Proposed Rule Making released May 5, 1995, FCC 95-158. These comments are generally in support of the proposed rule changes to allow IVDS licensees to provide mobile service to subscribers, although they do address and comment disfavorably on the proposed aspect of limiting mobility to an ancillary basis (only) and the Notice's suggestion that the 5 second-per-hour duty-cycle would be continued and apply to mobile IVDS units.

1. Introduction. Triad TV Data is the licensee of IVDS facilities in four markets. It obtained each license in the July 1994 auction. Triad's licenses are for Segment A in York, PA (Mkt

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99), Charleston, WVA (Mkt 140), Parkersburg, W VA/Marietta, Ohio (Mkt 200), and Cumberland, MD (Mkt 269). The licenses were bought and are being paid for in order to expand communication facilities in those markets, picking up on the Commission's stated premises in authorizing IVDS and then promoting the development of the new service with massive publicity for the first auction, last year. Having already invested substantial amounts of money, time, and energy, and committed to further expenditures of each, Triad, no less than the Commission wants to see the new technology develop and reach the potential for benefit of enlarged telecommunications services for the public, the statutory touchstone of public interest, convenience, and necessity.

2. Mobile Service Should Be Authorized. When the IVDS service was established in 1992, with the rules now contained in Part 95 of the Commission's rules (47 C.F.R. Sec. 95.801, ff), the Commission visualized "a point-to-multipoint, multipoint-to-point, short distance communication service...to provide information, products, or services to, and allow interactive responses from, subscribers located at fixed locations in the service area." Sec. 95.803. The proponents of IVDS prior to the 1992 authorization of the service, focused on interactive television, visualizing the subscriber at a fixed location with a TV set. However, from its introduction, various other applications were considered and promoted. Interested parties suggested wide ranging additional services, particularly data transmission whether in conjunction

with television or apart therefrom. Although the pertinent opening rule section referred to "subscribers located at fixed locations in the service area," portability or mobility within a "location" was not banned. So, mobility as such was not seen as harmful, with particular respect to the question of interference to TV Channel 13 in the adjacent spectrum space. With the overall TV Channel 13 protection rules still in place, Sec. 95.855, mobile units within the IVDS service area should be a permissible feature. The rules should be amended accordingly.

3. Triad is not an EON affiliate, equipment purchaser, or otherwise involved with it. Nevertheless, we do recognize that party's pioneering and innovative position in the development of IVDS so far. We second, if you will, EON's proposal which eventuated in the instant Notice, with particular emphasis on the enhancement of telecommunications service offerings for consumers. The flexibility of spectrum utilization, advanced by EON was published by the FCC in the Notice herein and its press release relative thereto of May 3, 1995 (Public Notice). Triad submits that the mobility factor may be critical to early success in the four markets it is authorized to develop under its licenses. Adoption of mobile service provisions will have the further effect of encouraging IVDS interest in other areas by those already in the field and by newcomers.

4. The FCC is pointing toward further auctions for wireless

telecommunications authorizations, with an IVDS auction along with PCS, MMDS and SMR 900 bidding contests¹. It wants lively bidding, both for "dollars for the Treasury" as well as to enlarge the industry and its participants (Op. cit. Fn 1). To get the increased IVDS auction participation and the contemplated results, the new rules allowing mobility should be in place by then. We suggest this further reason for the adoption of the rule promptly.

5. The 5 second duty-cycle. Triad submits that the elimination of the 5 second duty-cycle would, with mobility, provide the groundwork for dramatic expansion by IVDS and the services to the public, a goal which both the Commission and its IVDS licensees desire to achieve. The 5 second duty-cycle restricts the range of application for IVDS, both as a fixed service and as a mobile service. The "burst" transmission phenomenon with the 5 second duty-cycle requirement limits IVDS licensees in competition with other high-speed data providers. The additional cost of IVDS equipment directed to the 5 second duty-cycle factor would, if carried over to the mobile elements, have a debilitating effect on prospects of development of mobile IVDS service. With mobility, the duty-cycle rule (Sec 95.863) should be eliminated or revised to state that so long as protection against harmful interference to TV Channel 13 is provided by the IVDS licensee, the duty-cycle measure is not per se required.

¹ FCC News release June 5, 1995, summarizing Chairman Hundt's address to Wireless Communications Summit Conference. "Then we will have an IVDS auction in October."

6. Other Items. The Notice asked commenters to address the question of the need to continue to authorize 20 watts of power for fixed RTUs, given an apparent ability to operate at 100 milliwatts (EON's asserted designed system). We do not know whether EON's proposed 100 milliwatts RTU, sufficient for mobile units, will in fact develop the same quality of service for other uses to/from fixed locations. An IVDS licensee should still have the 20 watts power option as it turns to developing its system and selling services. In short, for mobile RTUs, 100 milliwatt limitations might assist in "selling" mobility vis-a-vis Channel 13 interference protection, but so long as the TV Channel 13 protection standards otherwise apply, there would be no reason to now consider limiting fixed RTUs to less than the present 20 watts of power.

7. Summary. Triad responds affirmatively to the Commission's recognition in its Notice that "allowing IVDS licensees to provide ancillary mobile services would enhance telecommunication service offerings for consumers, producers, and new entrants, and encourage rapid deployment and growth of IVDS services. (Ibid, Par. 7). The rule changes to accomplish that goal should be adopted, and quickly so. However, the Commission should not limit mobile service only to subscribers of fixed service because this could limit the number of subscribers, and an IVDS licensee's service options. With the goal of the IVDS development and improved service to the public in

mind, the mobile service rule change should specifically include the proposition that a subscriber would have the option of subscribing for mobile service without also taking fixed service, and the IVDS provider authorized to offer service on such basis. Limiting the ERP of RTU's designed to provide mobile service to 100 milliwatts would not seem to unduly burden on the new mobile service feature, if authorized.

8. However, there appears no reason why the 100 milliwatts limitation should apply to fixed RTU's, and the present rule in that regard should not be changed. The 5 second duty-cycle requirement should be eliminated or recast in a context which reflects that the avoidance of harmful interference to TV Channel 13 is not necessarily served by continuing the duty-cycle requirement, but can, and would have to be, achieved by other means.

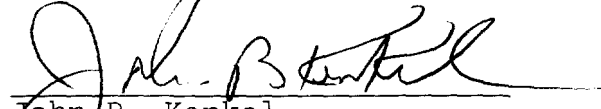
WHEREFORE, Triad prays that the Commission take and consider these Comments and turn to a revision of the IVDS rules to provide

for mobile service aspects, with the other comments herein reflected, as soon as may reasonably be accomplished.

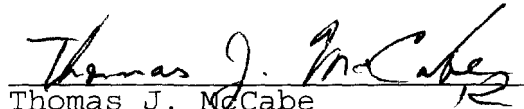
Respectfully Submitted,

TRIAD TV DATA

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